

# Provisional Ballot Procedures

# 6

Overview Statement	6.2
Pre-Election Set-Up	6.2
Election Morning Set-Up	6.4
During Voting Hours	6.4
At the Check-In Table	6.4
At the Provisional Table	6.5
Election Night – Closing the Polls	6.10

## Overview Statement

The Provisional Ballot Area will be staffed by Voting Operations Judges under the supervision of the Chief Judges. To ensure the integrity of the election the Voting Operations Judge must be proficient in every detail of the Provisional Ballot Process. The Provisional Ballot Judge must carefully complete the Election Judge portion of the *Provisional Ballot Application* and ensure that the voter completes their portion fully.

## Pre-Election Set-Up (Monday)

1. Assemble a table for provisional voting in an area that is separate from the rest of the polling place activities. Ensure privacy for each provisional voter.
2. Place chairs at the Provisional Table for voters completing *Provisional Ballot Applications*. Also provide a chair for the Provisional Ballot Judge.
3. Set up provisional voting station(s) near the Provisional Table so that it is under the supervision of the Provisional Ballot Judge(s). Use a privacy screen to ensure the voter has privacy when voting a Provisional Ballot. **Privacy screens are located in the Blue Sign Bag(s).**
4. Place the provisional voting supplies at the Provisional Table and Voting Station. Provisional voting supplies are located in the **Orange Provisional Voting Supply Bag**. Unpack the following items:
  - Provisional Voting Table Sign(s)
  - Spoiled Provisional Ballot Envelope
  - Pens for voters to complete applications
  - No. 2 pencils for voters to complete Provisional Ballots
  - Pencil Sharpener
  - Magnifying Sheet
  - Red Seals, one for Ballot Bag (on election night) and two for Orange Provisional Supply Bag (one for Monday Night and one for election night)
5. Obtain the *Provisional Ballot Certificate – Sides 1 and 2* from a Chief Judge.
6. Open the Provisional Ballot Packs (Bilingual Ballot – English/Spanish). Distinct ballot style and stub sequence numbers are assigned to each precinct.

Using the preprinted **Provisional Ballot Certificate – Side 1, Section I**, verify that the correct quantity of ballots have been received by the precinct. (See image below.)

**Note:** For a **primary** election, ballot tops are color coded:

- Democratic ballot tops are white.
- Republican ballot tops are pink.
- Non-partisan ballot tops are yellow.

**Note:** For a **general** election, all ballots are white.

Count the number of unvoted Provisional Ballots received. **Note:** If there is a discrepancy with the number of ballots received, notify the Chief Judges **immediately**.

County: <u>Montgomery</u>		Provisional Ballot Certificate - Side 1																					
Precinct: _____		Gubernatorial Primary Election 2014 <u>X</u>																					
		Gubernatorial General Election 2014 _____																					
<b>Complete BOTH Sides of this Form</b>																							
<b>Section I - Chief Judges: Sign BEFORE the Polls open.</b>																							
1. Ballots. The Orange Bag contained: (Primary – use all lines, General – use only Total line)		2. The Provisional Ballot Bag is locked																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;"></th> <th style="width: 15%;">Unused</th> <th style="width: 25%;">Actual Count (A)</th> <th style="width: 35%;">Initials</th> </tr> </thead> <tbody> <tr> <td>Democratic</td> <td style="text-align: center;">125</td> <td></td> <td></td> </tr> <tr> <td>Republican</td> <td style="text-align: center;">100</td> <td></td> <td></td> </tr> <tr> <td>Non-Other</td> <td style="text-align: center;">25</td> <td></td> <td></td> </tr> <tr> <td><b>TOTAL</b></td> <td style="text-align: center;"><b>250</b></td> <td></td> <td></td> </tr> </tbody> </table>		Unused	Actual Count (A)	Initials	Democratic	125			Republican	100			Non-Other	25			<b>TOTAL</b>	<b>250</b>			<div style="border: 1px solid black; padding: 5px;"> The provisional ballot bag was locked with Seal # <u>42615</u>  (If seal number does not agree with what is on the provisional ballot bag call the Election Office immediately.)   Initials: _____ </div>		
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To the best of my knowledge, the information in Section I is true and correct.																							
_____ DEM Chief Judge		_____ REP/OTH Chief Judge																					

- Remove the rolled and rubber-banded **Orange Provisional Ballot Bag** for voted Provisional Ballots. Verify that the bag is locked and sealed. Verify that the number of the red seal on the orange ballot bag is the same number pre-printed on the **Provisional Ballot Certificate – Side 1, Section I**. Do **NOT** break the seal. Note: If there is a discrepancy between the preprinted number on the form and the number on the red seal, notify the Chief Judges **immediately**.

Do **NOT** remove the shrink-wrapped orange ballot bag for contingency ballots.

- Give a Chief Judge the completed *Provisional Ballot Certificate – Side 1, Section I*.
- Repack the ballots and the (locked) Orange Provisional Ballot Bag in the Orange Provisional Supply bag. Re-secure the supply bag with a red seal.

## Election Morning Set-Up

1. Complete and use the name badges provided. Do **NOT** indicate a party affiliation on the badge. Indicate any additional language proficiency.
2. Sign the *Payroll Sheet* located in the Red Document Folder.
3. Obtain the following from the Chief Judge:
  - Provisional Voter Authority Card Envelope
  - *Provisional Job Guide*
4. Unlock the Orange Provisional Supply Bag and remove the Provisional Ballot packs.
5. Remove the *Provisional Ballot Application and Instructions* (envelope is attached).
6. Remove the **Orange Provisional Ballot Bag** for **voted** Provisional Ballots. Verify that the bag is locked and sealed. Break the red seal on the **top** of the bag to expose the opening to place completed Ballots. During the day, voters place voted Provisional Ballots into the bag. **Do not attempt to open the bottom lock.**
7. **Leave Extended Voting Hours Envelope in the Orange Supply Bag. DO NOT OPEN** the sealed Extended Voting Hours Envelope unless instructed by the Chief Judges.

## During Voting Hours

During the day, keep the ballots secure; do **NOT** leave them unattended. Also, be sure to keep the **Orange Provisional Ballot Bag** secure; do **NOT** leave it on the table unattended. If you need to leave the table, contact a Chief Judge for relief.

### At the Check-In Table

A Check-In or Chief Judge will issue either a *Voter Authority Card* (VAC) from the Electronic Pollbook; a State of Maryland **or** a hand-printed orange *Voter Authority Card - Provisional Voting* form.

**An orange *Voter Authority Card – Provisional Voting* form is issued *only* when the voter cannot be found in the Pollbook.**

A Provisional Ballot must be issued if:

- The voter's name is not listed on the precinct roster.
- The voter is listed on the precinct roster but indicates that they have moved from the address listed in the precinct roster more than 22 days or more before the election.

- **Primary Election only:** The voter is listed on the precinct roster but claims a different political party affiliation than the affiliation indicated in the precinct roster (for example, a voter claims to be a registered Republican but the precinct roster indicates that the voter is a registered Democrat).
- The precinct roster indicates that the voter was issued an Absentee Ballot or has already voted.
- The voter is listed on the precinct roster as “Show ID” but is unable to provide the required identification.
- The precinct roster lists the voter’s status as “Pend1” and “Show ID” (the voter’s driver’s license number or social security number could not be verified) or “Pend2” and “Need DL# /SSN# (the voter did not provide either a driver’s license number or at least the last four digits of their social security number during registration).
- The voter’s identity is challenged by a poll Watcher or Challenger and the voter is unable to provide an acceptable form of identification.
- Voter is not in the state register.
- The voter is voting during extended voting hours. Chief Judges will provide special instructions if an order is issued extending voting hours.

## At the Provisional Table

1. Obtain the *Voter Authority Card* from the voter.

<p>Make sure that the printed <i>Voter Authority Card</i> from the Pollbook has <b>"Provisional Ballot"</b> printed near the top. If it does not, contact Chief Judge.</p>
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2. Tear off the Instructions page of a *Provisional Ballot Application*. It explains the Provisional Ballot process. Give it to the voter.
  - Provide the following verbal instructions: “Please read the Instructions page completely.”
3. While the voter is reading the instructions, complete the **Election Judge** section on the back of the *Provisional Ballot Application* (see image on next page):
  - Write the Voter ID Number (from the *Voter Authority Card*) above the **Election Judge** section on back of the *Provisional Ballot Application*. **Note: the orange hand-printed *Voter Authority Card* – *Provisional Voting* form will not include a Voter ID Number**
  - Check the reason code(s).
  - Write the District/Precinct number (if it is not pre-printed), the ballot style issued, and your initials and date in the boxes in the top right corner.

## Example

VID 2314693

For Official Use Only								
<p><b>Election Judge</b> <span style="float: right;">✓ Check all boxes that apply.</span></p> <p>A provisional ballot application was issued because the voter was:</p> <p><input type="checkbox"/> 1. Not listed on the precinct register</p> <p><input checked="" type="checkbox"/> 2. Listed on the precinct register but indicated a change of address</p> <p><input checked="" type="checkbox"/> 3. Listed but claims to have a different party affiliation (primary election only)</p> <p><input type="checkbox"/> 4. Listed as an absentee voter or as having already voted</p> <p><input type="checkbox"/> 5. Listed as "Active" or "Inactive" &amp; "Show ID" &amp; unable to provide acceptable ID</p> <p><input type="checkbox"/> 6. Listed as "pending" &amp; "Show ID"</p> <p style="margin-left: 20px;">Was acceptable ID presented? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">If yes, record the type of ID presented.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Photo ID - Address on the photo ID does not need to match the address in #7.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Maryland Driver's License or MVA ID Card - Verify that DL or ID number is printed in #6a.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Other-Photo ID - specify _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> Non-Photo ID - Must be dated within the last 3 months and have the same name and address as listed in #3 and #7.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Utility Bill    <input type="checkbox"/> Pay Check    <input type="checkbox"/> Bank Statement    <input type="checkbox"/> Government Check</p> <p style="margin-left: 40px;"><input type="checkbox"/> Other government document - specify _____</p> <p><input type="checkbox"/> 7. Listed as "pending" &amp; "Need DL#/SSN#" (See instructions for #6.)</p> <p><input type="checkbox"/> 8. Identify challenged &amp; cannot provide acceptable form of ID</p> <p><input type="checkbox"/> 9. Other (explain): _____</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">District/Precinct or Early Voting Center</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><b>01-01</b></td> </tr> <tr> <td style="text-align: center; padding: 5px;">Ballot Style Issued</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><b>BS5</b></td> </tr> <tr> <td style="text-align: center; padding: 5px;">Election Judge</td> </tr> <tr> <td style="text-align: center; padding: 5px;">JAR    4/3/12</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><small>Initials      Date</small></td> </tr> </table>	District/Precinct or Early Voting Center	<b>01-01</b>	Ballot Style Issued	<b>BS5</b>	Election Judge	JAR    4/3/12	<small>Initials      Date</small>
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4. If the voter needs to show ID, record the type of ID that the voter provided. Refer to page 4.7, *Standards for Acceptable Forms of ID*.
5. Before issuing the voter a *Provisional Ballot*
  - Instruct the voter to:
    - “Completely fill out *Part 1 and 2* and sign *Part 3* of the *Provisional Ballot Application*. Do NOT detach the application from the envelope.”
  - Use the following chart to give the appropriate verbal instructions based on the reason(s) for this individual.

Reason	Tell the Voter
1	<ul style="list-style-type: none"> <li>If you are registered and in the correct precinct, your entire ballot will be counted.</li> <li>If you are registered but in the wrong precinct and choose to vote here (instead of going to your correct precinct), only those contests that would appear on the ballot issued at your correct precinct will be counted.</li> <li>If you are not registered, your provisional ballot will not count but the application will serve as a voter registration application for future elections.</li> </ul>
2	You indicated that you moved more than 21 days before the election, didn't notify election officials of the change, and are in the wrong precinct for your new address. If you choose to vote a provisional ballot here (instead of going to your correct precinct), only those contests that would appear on the ballot issued at your new precinct will be counted.
3 (Primary Election only)	Your provisional ballot will be counted if the local board of elections determines that you are registered with the party affiliation that you claim and the party affiliation listed in the precinct register was incorrect due to clerical error.
4	Your provisional ballot will only be counted if you did not vote by absentee ballot or have not previously voted.
5	If you provide the local board of elections with the required ID before the canvassing of provisional ballots, which begins on the 2nd Wednesday after the election, your ballot will be counted.
6	If you present acceptable ID now or to the local board of elections before the canvassing of provisional ballots which begins on the 2nd Wednesday after the election, your ballot will be counted. If you do not provide acceptable ID before the canvassing of provisional ballots, your ballot will not be counted.
7	<ul style="list-style-type: none"> <li>If the local board of elections can verify the number you provided in either Box 6a or 6b, you will be registered to vote and your ballot will be counted.</li> <li>If you marked Box 6c, you will be registered to vote, and your ballot will be counted.</li> <li>If you do not complete any box in section 6 before the canvassing deadline, or the number you provided could not be verified, you will not be registered to vote and your ballot will not be counted.</li> </ul>
8	<p>If the local board of elections determines that you are the registered voter you claim to be and are otherwise eligible to vote, your ballot will be counted. You should provide an acceptable form of ID to the local board of elections before the canvassing of provisional ballots, which begins on the 2nd Wednesday after the election.</p> <p><b>The Chief Judge will administer the Affidavit by Challenger and the Affidavit by Challenged Voter.</b></p>
9	If you are not registered, your ballot will not be counted; however, your provisional ballot application will serve as a voter registration application. Your application will be processed after the election.
10	Voting during extended hours. <b>[Note to provisional ballot judge: The Chief Judges will provide you with instructions if #10 is checked.]</b>

## Provisional Ballot Procedures

6. **Review the application to verify that the voter completed the application and signed *Part 3*.**

**If the application is not signed in both places, it will be REJECTED.**

7. Obtain the appropriate Provisional Ballot and record the ballot sequence number on the *Voter Authority Card* and place your initials on the *Voter Authority Card*.
8. Fold the ballot and place ballot in application envelope. Give the voter a No. 2 pencil to complete the ballot.
9. Instruct the voter to:
  - Use the provisional voting booth to mark the ballot.
  - Re-fold and insert the marked ballot in the envelope.
  - Seal the envelope.

If the voter makes a mistake on the ballot, follow the *Spoiled Provisional Ballot Procedures* in the next section.

10. Instruct the voter to insert the envelope into the Orange Provisional Ballot Bag.
11. Place the *Voter Authority Card* in the Provisional Voter Authority Card Envelope.
12. Monitor the unvoted ballots and the Provisional Ballot Bag(s) at all times. Keep all Provisional Ballot supplies secure.

**Notify the Chief Judges immediately if any Provisional Ballot supplies are missing or show signs of tampering.**

### **Spoiled Provisional Ballots**

If a voter makes a mistake or changes their mind while voting a Provisional Ballot and requests a replacement ballot, the Provisional Ballot Judge will:

- Instruct voter to over-vote every contest in which they have made a selection.
- Write "Spoiled" on the ballot and line through the ballot sequence number on the *Voter Authority Card*.
- Issue the voter a replacement ballot and record the new ballot sequence number on the *Voter Authority Card*.
- Record the ballot sequence number of the spoiled ballot on the front of the Spoiled Provisional Ballot Envelope.
- Place the spoiled ballot in the Spoiled Provisional Ballot Envelope.

**A voter may not receive more than three ballots.**



## Voters Requiring Assistance

The *Voter Assistance Form* must be completed if the voter requires the assistance of another person. Refer to *Chapter 1 - General Information, Assisting Voters* if a voter requests assistance.

## Voters Who Cannot Sign the *Provisional Ballot Application*

If a voter is unable to sign the *Provisional Ballot Application*, ask the voter to make an “X” or similar mark on the signature line. This mark is acceptable as that individual’s signature.

If the voter is unable to make a mark:

- Write the following statement on the back of the voter’s form: “This voter is qualified to vote but is unable to sign their name.”
- Sign your name and write the date under the statement.

**Do NOT assume a voter cannot sign their own name.** Follow all procedures and inform the voter when a signature is required. Let the voter inform you if they cannot sign their name. If the voter is blind or is visually impaired, the voter may ask you to guide their hand to the location on the paper in order to sign. Provide the voter with the magnifying sheet, located in the pack of Provisional Table items, to use as a signature guide.

## Voters Requiring Instruction

If a voter already has the ballot, provide instructions on how to mark the ballot using a sample ballot handout. You are **prohibited** from suggesting how the voter should vote on any contest or looking at the voter’s official ballot.

## To Cast a Write-In Vote on a Provisional Ballot: (General Elections Only)

- The voter writes the name of the Write-In candidate on the designated Write-In line under the appropriate contest heading.
- The voter completely fills in the oval to the left of the Write-In candidate’s name.
- A voter who desires to change a vote after entering a Write-In candidate’s name on the designated line but before casting the ballot must obtain a new ballot.

## Election Night - Closing the Polls

- Count the spoiled ballots and unused ballots. Record the total numbers of spoiled and unused ballots in the appropriate columns in the *Provisional Ballot Certificate - Side 1, Section II*. Complete *Side 1* by calculating the number of ballots cast. NOTE: In a general election, record numbers only on the "TOTAL" row. NOTE: The *Provisional Ballot Certificate* is found in the Chiefs' Red Document Folder.

<b>Section II - Chief Judges: sign AFTER this Section is completed.</b>				
<b>AFTER the Polls Close</b>				
	Spoiled (B)	Remaining Unused (C)	Spoiled + Remaining Unused (B + C) = D	Ballots Cast Actual Count – (D)
Democratic				
Republican				
Non-Other				
<b>TOTAL</b>				

To the best of my knowledge, the information in Section II is true and correct.

\_\_\_\_\_  
 DEM Chief Judge

\_\_\_\_\_  
 REP/OTHER Chief Judge

- Count the Pollbook-issued *Provisional Voter Authority Cards* (VACs) and the orange hand-printed *Voter Authority Cards* (VACs). Record the numbers of VACs in the appropriate columns in the *Provisional Ballot Certificate – Side 2*. For a primary election, calculate the total for each row and column on the *Provisional Ballot Certificate - Side 2*. For a general election, use only Row D, "Total Provisional VACs".

Provisional Ballot Certificate – Side 2

**Chief Judges: sign AFTER the polls are closed.**

We hereby certify that:

- The provisional ballot bag has been locked and under the control of an election judge at all times during the day.
- ALL** provisional ballots have been under the control of an election judge at all times during the day.
- ALL** spoiled ballots were placed in the spoiled ballot envelope.
- ALL** unvoted provisional ballots were counted and secured.
- The following Voter Authority Cards (VACs) data relates to Provisional Voting:

		Regular Hours			Extended Hours			7. Election Total (Column 3 + 6)
		1. Pollbook VACs	2. Orange Substitute VACs	3. Total	4. Pollbook VACs	5. Orange Substitute VACs	6. Total	
A	Democrat		+	=		+	=	
B	Republican		+	=		+	=	
C	Non/Other		+	=		+	=	
D	<b>Total Provisional VACs</b>		+	=		+	=	

- Enter data in columns 1, 2, 4, and 5 as appropriate.
- Add each column down to fill in Row D.
- Add totals in Columns 3 and 6 and record in Column 7.
- Transfer totals in column 7 to Closing Certificate Section 1.

**Record New Seal Number on Provisional Ballot Transfer Bag:** \_\_\_\_\_

To the best of my knowledge, the above information is true and correct.

\_\_\_\_\_  
 DEM Chief Judge

\_\_\_\_\_  
 REP/OTH Chief Judge

**Complete BOTH sides of this Form.**

3. Zip the slot closed on the Orange Provisional Voted Ballot Bag and seal it with a red seal. Record the number of the red seal on the *Provisional Ballot Certificate, Side 2*.
4. Give the Provisional Voted Ballot Bag to the Chiefs.
5. Give the Chiefs the completed *Provisional Ballot Certificate* and the Provisional Voter Authority Card Envelope .
6. Place all remaining provisional voting supplies, including unvoted ballots and used ballot stub packs, in the Orange Provisional Supply Bag. Seal the bag with a red seal. You do not need to record the number of this red seal.